

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OMAR SHERIEFF CASH,)	
)	Civil Action
Plaintiff)	No. 12-cv-05268
)	
vs.)	
)	
JOHN WETZEL,)	
Secretary of Corrections;)	
JEFFREY WITHERITE,)	
Staff Assistant-Western Region;)	
DORINDA VARNER,)	
Chief Grievance Officer;)	
MIKE WENEROWICZ,)	
Facility Manager)	
SCI Graterford;)	
WENDY SHAYLOR,)	
Grievance Coordinator;)	
E. VEROSKY, Lieutenant;)	
LEWIS, Sargent;)	
KRYESKI, Correctional Officer;)	
AGUIAR, Correctional Officer)	
THOMAS DOHMAN;)	
JOHN SPAGNOLETTI;)	
JOSEPH TERRA;)	
JEFFREY BENDER;)	
MARK COX;)	
JOHN EVERDING;)	
BRIAN MOYER;)	
PARTICK FINA;)	
PARTICK CURRAN;)	
EPHRAIN RIVERA;)	
ISAIAH HALL; and)	
MELISSA SMITH,)	
Defendants)	

O R D E R

NOW, this 11th day of March, 2016, upon consideration of plaintiff's Consolidated Amended and Supplemental Complaint filed March 18, 2015 (Document 64); defendants' Motion to Dismiss the Third Amended Complaint, which motion was filed November 18, 2015 ("Motion to Dismiss") (Document 74); and

defendants' Motion for Extension of Time in Which to Respond to Plaintiff's Consolidated Amended and Supplemental Complaint, which motion was filed November 18, 2015 ("Motion to Accept Late Filing") (Document 75); and for the reasons expressed in the accompanying Opinion,

IT IS ORDERED that defendants' Motion to Accept Late Filing is granted as unopposed.

IT IS FURTHER ORDERED that defendants' Motion to Dismiss is deemed timely.

IT IS FURTHER ORDERED that defendant's Motion to Dismiss is granted in part and denied in part.

IT IS FURTHER ORDERED that the Motion to Dismiss is granted to the extent it seeks dismissal of the Consolidated Amended and Supplemental Complaint against all defendants in their official capacities.

IT IS FURTHER ORDERED that the Consolidated Amended and Supplemental Complaint is dismissed against all defendants to the extent they are sued in their official capacities.

IT IS FURTHER ORDERED that the Motion to Dismiss is granted to the extent that it seeks dismissal of Counts 1 through 5 and 7 through 9 of the Consolidated Amended and Supplemental Complaint against all defendants.

IT IS FURTHER ORDERED that Counts 1 through 5 and 7 through 9 of the Consolidated Amended and Supplemental Complaint are dismissed against all defendants.

IT IS FURTHER ORDERED that the Motion to Dismiss is granted to the extent that it seeks dismissal of Count 6 of the Consolidated Amended and Supplemental Complaint against defendants Kryeski, Correctional Officer; Patrick Curran; and Ephrain Rivera.

IT IS FURTHER ORDERED that the Motion to Dismiss is denied to the extent that it seeks dismissal of Count 6 against defendants Thomas Dohman, Jeffrey Bender, Brian Moyer, Patrick Fina, and Isaiah Hall.

IT IS FURTHER ORDERED that Count 6 of the Consolidated Amended and Supplemental Complaint is dismissed against defendants Kryeski, Correctional Officer; Patrick Curran; and Ephrain Rivera.

IT IS FURTHER ORDERED that defendants Thomas Dohman, Jeffrey Bender, Brian Moyer, Patrick Fina, and Isaiah Hall shall file answers to the Consolidated Amended and Supplemental Complaint by March 31, 2016.

IT IS FURTHER ORDERED that the Clerk of Court shall place this case in civil suspense until the close of pleadings.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge